**HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY**

**WRIT PETITION NO: 24822 of 2007**

Dated: 22-11-2007

Between:

K.Venkateswara Rao

**..... PETIT**

AND

The RegionalManager,
A.P.S.R.T.C., West Godavari Region,
Eluru and another.

**.....RESPONI**

**HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY**

**WRIT PETITION No. 24822 of 2007**

**O R D E R:**

This writ petition is filed for a writ of Mandamus to declare the action of respondents in notifying tea stall at Narsapur Bus Station vide notification No.P3/437/(48)/07 dated 13-11-2007 issued by respondent No.1 as illegal.

The petitioner, whose bid for running a canteen at Narsapur Bus station was accepted in the year 2005 was granted licence valid from 01-08-2006 to 31-07-2012 on monthly fee of
Rs.6,999/-. The petitioner, feeling aggrieved by tender notification dated 13-11-2007 issued by respondent No.1, wherein inter alia, tenders were invited for running a tea stall in Narsapur Bus Station filed the present writ petition. According to the petitioner so long as his licence subsists, respondents cannot allow another tea stall to be opened.

Heard Sri Y.V.Srinivasan, learned counsel representing
Sri K.Chidambaram, learned counsel for the petitioner and
Sri C.Prakash Reddy, learned standing counsel for the respondents.

A perusal of licence dated 15-07-2006 granted to the petitioner shows that he was granted the said licence to run a canteen at Narsapur Bus Station. Clause 29 of the deed of licence, which is relevant for this purpose reads as follows:

> "29. Allotment of stalls shall be Non-exclusive basis i.e., the Corporation shall have right to grant licence to more than one Licensee to do same type of business in the premises/Bus Station Complex."

It is clear from the above reproduced clause of the lease deed that the corporation reserved its right to grant licence to more than one licencee to do the same type of business in the Bus Station.

In view of the same, the petitioner, who participated in the earlier tender process and entered into the lease deed with his eyes wide open cannot turn round and seek to prevent the respondents from permitting opening of another tea stall. None of the petitioners' rights are infringed by the respondents

warranting interference by this Court under Article 226 of the Constitution of India.

For the aforementioned reasons, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, WPMP No.32331 of 2007 is also dismissed.

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C.V.NAGARJUNA REDDY,J

Date: 22-11-2007
KLP